

COPY OF PAPER
ORIGINALLY FILED

Att. Dkt. No. 072827-1905

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mueller, et al.

Title: METHODS AND COMPOUNDS
FOR TREATING DEPRESSION
AND OTHER DISORDERS

Appl. No.: 09/990,405

Filing Date: November 21, 2001

Examiner: To Be Assigned

Art Unit: To Be Assigned

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. <i>Irene Grimes Betke</i> (Printed Name) <i>Irene Grimes Betke</i> (Signature) February 7, 2002 (Date of Deposit)

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**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Commissioner for Patents
Washington, D.C. 20231

Attn: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed on December 7, 2001, in the above-identified application, transmitted herewith are the missing parts needed to complete the filing of the subject patent application.

Enclosed are:

1. Declaration and Power of Attorney (3 pages).
2. Assignment of Inventors to NPS Pharmaceuticals (3 pages).
3. Assignment Recordation Form Cover Sheet (1 page)
4. Check in the amount of \$40.00 for payment of recordation fee.
5. Check in the amount of \$65.00 for payment of balance due by applicant.
6. A copy of the Notice
7. Other: Return Postcard.

In re application of
Mueller, et al.
Application No.: 09/990,405
Page 2

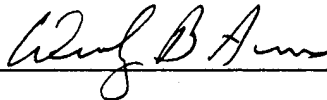
Atty. Dkt. No. 072827-1905

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date February 7, 2002

FOLEY & LARDNER
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6700
Facsimile: (858) 792-6773

By 

Wesley B. Ames
Attorney for Applicant
Registration No.40,893

**PETITION FOR REVIVAL OF AN INTERNATIONAL
APPLICATION FOR PATENT DESIGNATING THE U.S.
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
072827-1905

First Named Inventor: **MUELLER, Alan**

International (PCT)
Application No. **PCT/US99/15857**

U.S. Application No. **Unknown**
(if known)

Int'l Filing Date: **12 July 1999**

Title: **METHODS AND COMPOUNDS FOR TREATING DEPRESSION AND OTHER
DISORDERS**

12/07/2001 TV0111 00000002 500872 PCT/US99/15857

01 FC:241 35.00 CH 605.00 DP

Attention: PCT Legal Staff

Box PCT

Assistant Commissioner for Patents

Washington, DC 20231

The above identified application became unintentionally abandoned prior to the filing of an application under 35 U.S.C. § 111. Applicant hereby petitions for the revival of the above-captioned application under 37 C.F.R. § 1.137(b).

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee – required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

Adjustment date: 12/07/2001 TV0111
11/26/2001 SSITHIB1 00000048 500872 09990405
01 FC:241 35.00 CH 605.00 DP

1. Petition Fee

- ☒ Small entity – fee \$ 605 (37 CFR 1.17(m))
- ☐ Small entity statement enclosed herewith
- ☐ Small entity statement previously filed
- ☐ Other than small entity – fee \$1,210 (37 CFR 1.17(m))

11/26/2001 SSITHIB1 00000048 500872 09990405

01 FC:241 35.00 CH 605.00 DP

2. Proper Reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form of:
the national filing fee; copy of the published international PCT application; copy of the international search report, copy of the international preliminary examination report + cited references; copy of the written opinion (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. A Continuing Patent Application Under 37 C.F.R. § 1.53(b) is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$55.00 for a small entity or \$110.00 for other than a small entity) equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

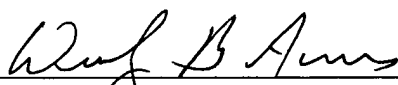
4. Revocation and Power of Attorney

☒ A Revocation and Power of Attorney is enclosed.

4. Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Dated: 21 November 2001


Wesley B. Ames, Reg. No. 40,893
Agent for Applicant
FOLEY & LARDNER
P. O. Box 80278
San Diego, California 92138-0278
+1-858-847-6700 Office
+1-858-792-6773 Fax

Enclosures:

- ☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Small Entity Status Form
☐ _____



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Page 1 of 1

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/990,405	11/21/2001	Alan L. Mueller	072827-1905

23620
FOLEY & LARDNER
402 WEST BROADWAY
23RD FLOOR
SAN DIEGO, CA 92101

CONFIRMATION NO. 4028

FORMALITIES LETTER



OC000000007170578

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Date Mailed: 12/07/2001

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NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/04/2002 SSESHE1 00000032 099990405
01 FC:205

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MAR 11 2002
TECHNOLOGY CENTER 2829

21/01
U.S. PTO

Atty. Dkt. No. 072827-1905

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan Mueller, et al.

Title: METHODS AND COMPOUNDS FOR TREATING DEPRESSION AND OTHER DISORDERS

Prior Appl. No.: PCT/US99/15857

Prior Appl. Filing Date: July 12, 1999

Examiner: To Be Assigned

Art Unit: To Be Assigned

CERTIFICATE OF EXPRESS MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

EL 796240772 US
(Express Mail Label Number) (Date of Deposit)

Sandra A'Costa
(Printed Name)

Sandra A'Costa
(Signature)

jc879 U.S. PTO
09/990405

**CONTINUING PATENT APPLICATION
TRANSMITTAL LETTER**

Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a:

☒ Continuation ☐ Division ☐ Continuation-In-Part (CIP)

of the above-identified copending prior application in which no patenting, abandonment, or termination of proceedings has occurred. Priority to the above-identified prior application is hereby claimed under 35 U.S.C. § 120 for this continuing application. The entire disclosure of the above-identified prior application is considered as being part of the disclosure of the accompanying continuing application and is hereby incorporated by reference therein.

☒ Applicant claims small entity status under 37 CFR 1.27.

Enclosed are:

☒ Specification, Claim(s), and Abstract (86 pages).

Adjustment Date: 12/07/2001 TV0111
11/26/2001 SSITHIB1 00000048 500872 09990405
01 FC:241 35.00 CR 605.00 OP

12/07/2001 TV0111 00000002 PCT/US99/15857
01 FC:241 35.00 CH 605.00 OP

- ☒ Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)
- ☒ Revocation and Power of Attorney
- ☒ Check in the amount of \$605.00 for Petition Fee
- ☐ Informal drawings (0 sheets)
- ☐ Declaration and Power of Attorney (___ pages).
- ☐ Assignment of the invention to NPS Pharmaceuticals, Inc..
- ☐ Assignment Recordation Cover Sheet.
- ☐ Small Entity statement.
- ☐ Request for application not to be published with certification under 35 USC 122(b)(2)(B)(i).
- ☐ Information Disclosure Statement.
- ☐ Form PTO-1449 with copies of ___ listed reference(s).
- ☒ Preliminary Amendment.
- ☒ Application Data Sheet (37 CFR 1.76).

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee					
Total Claims:	18	20	0	\$740.00	\$740.00
Independents:	7	3	4	\$18.00	\$0.00
If any Multiple Dependent Claim(s) present:				\$84.00	\$336.00
				\$280.00	\$0.00
				SUBTOTAL:	\$1076.00
				Small Entity Fees Apply (subtract 1/2 of above):	\$538.00
				TOTAL FILING FEE:	\$538.00

- ☒ A check in the amount of \$538.00 to cover the filing fee is enclosed.
- ☐ The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 21 November 2001

By Wesley B. Ames

FOLEY & LARDNER

Customer Number: 23620



ATTENT TRADEMARK OFFICE

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0099045-1201
TOTAL 540660